

REMARKS

In light of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1-21 and 45-52 remain in this application. The independent claims are amended to emphasize what had been inferred but, perhaps, not fully appreciated, the dynamic functionality of the present invention. Some of the dependent claims are amended to be consistent with their independent claims. The amendments to these claims simply clarify the claimed subject matter.

At paragraphs 3-14 of the outstanding office action, the Examiner has rejected claims 1-3, 10-18, 20, 45-49 and 51 under 35 USC 103 as being unpatentable over Rogers (US Patent No. 5,497,500) in combination with the newly cited patent to Herring (US Patent No. 6,606,326). Applicants respectfully traverse the rejection.

The present invention, as defined by the claims presented herein, is directed to a dynamically produced processing web in which processing elements that correspond to processing apparatuses of an oscilloscope are placed at locations in the web that are based, at least in part, on its function, its inputs and outputs and its operating relationship with other processing elements. Since the processing elements correspond to the processing apparatuses of the oscilloscope, as the functionalities and capabilities of those processing apparatuses change, so changes the processing element. This is what is meant by “dynamically determining” the processing element, “dynamically placing” the processing element at a particular location, and “dynamically graphically connecting” the processing elements. After the processing elements are placed at their respective locations, they are graphically interconnected into the web to represent the processing apparatuses of the oscilloscope in accordance with the data flow

processing by the oscilloscope of the waveform signals. The processing web thus is capable of adapting dynamically to changes in functions and capabilities of the oscilloscope in which it is used; and permits the user to observe and graphically control the oscilloscope's changing capabilities and functions. See, for example, page 8, line 14 to page 9, line 6; page 9, lines 12-17; and page 20, lines 4-10 of the present application.

Claims 1, 14 and 45 are amended to clarify this feature. It is respectfully submitted that, by reason of this amendment, the rejection of the claims based upon Rogers and Herring is moot. Neither Rogers nor Herring is suggestive of the dynamic nature of the present invention, and it is submitted that neither reference describes:

dynamically placing said first processing element in a particular location based at least in part upon its location in said processing web, operating capabilities of and various inputs to and outputs from said first processing element;

dynamically placing said second processing element in a particular location downstream from said first processing element based at least in part upon its location in said processing web, various inputs to and outputs from said second processing element, and an operating relationship between said second processing element and said first processing element, ... and

dynamically graphically connecting at least one output pin of said first processing element to one input pin of said second processing element after said first and second processing elements have been placed at their respective locations in said processing web

as recited in, for example, Applicants' claim 1.

Because the cumulative teachings of Rogers and Herring fail to depict the method and system claimed herein, Applicants respectfully submit that independent claims 1, 14 and 45 are patentably distinct from the combination of Rogers and Herring.

Claims 2-3 and 10-14 depend from claim 1; claims 17, 18, 20 depend from claim 14; and claims 46, 48, 49 and 51 depend from claim 45. Consequently, these dependent claims include

all of the limitations recited by the respective claim from which they depend. Therefore, the rejections of these dependent claims should be withdrawn for the reasons noted above. Additionally, each of the dependent claims presents an independently patentable combination in its own right, and is therefore patentable for this additional reason.

Applicants therefore respectfully request that the rejection of claims 1-3, 10-18, 20, 45-49 and 51 under 35 USC 103 be withdrawn.

At paragraphs 15-23 the Examiner has rejected claims 4-9, 19, 21, 50 and 52 under 35 USC 103(a) as being unpatentable over Rogers in view of Herring and further in view of Zink (US Patent No. 6,738,964). Applicants respectfully traverse the rejection.


Claims 4-9, 19, 21, 50 and 52 depend either directly or indirectly from one of independent claims 1, 14 and 45 and are therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in their own right. Applicants submit that the addition of Zink fails to cure the defects of Rogers and Herring noted above with respect to the independent claims. Applicants therefore respectfully request that the rejection of claims 4-9, 19, 21, 50 and 52 under 35 USC 103(a) be withdrawn.

CONCLUSION

Applicants have made a diligent effort to explain why claims 1-21 and 45-52 are in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance at this time, it is respectfully requested that the Examiner contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration is respectfully requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
William S. Frommer
Reg. No. 25,506
(212) 588-0800